

## RELIEF OF CERTAIN ALIENS

MARCH 12, 1956.—Committed to the Committee of the Whole House and ordered to be printed

Miss THOMPSON of Michigan, from the Committee on the Judiciary, submitted the following

### REPORT

[To accompany H. J. Res. 565]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 565) for the relief of certain aliens, having considered the same, report favorably thereon with amendment and recommend that the joint resolution do pass.

The amendment is as follows:

On page 1, line 5, after the name "Michele" strike out the name "Constantino" and substitute in lieu thereof the name "Costantino".

#### PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to grant the status of permanent residence in the United States to 10 persons. The resolution also provides for the payment of the required visa fees and for appropriate quota deductions. In one case, the resolution provides for the posting of a permanent bond as surety that the alien will not become a public charge.

The resolution has been amended to correct the spelling of one name.

#### GENERAL INFORMATION

The committee, desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of Private Calendars on the floor of the House, has decided to include the names of several beneficiaries of pending bills in one joint resolution, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

The beneficiaries of this joint resolution were the subjects of individual private immigration bills as follows:

H. R. 889, by Mr. Baldwin.  
 H. R. 1334, by Mr. Phillips.  
 H. R. 2741, by Mr. Gubser.  
 H. R. 2751, by Mr. McGregor.  
 H. R. 3199, by Mr. Zelenko.  
 H. R. 3870, by Mr. Zelenko.  
 H. R. 4040, by Mr. Phillips.  
 H. R. 5548, by Mr. Zelenko.

A discussion of each case included in the joint resolution, with reports from the departments of the administration and such additional information as was obtained by the committee, appears below in the order that those cases appear in the resolution, as amended.

*Maria Luisa Gallegos—H. R. 889, by Mr. Baldwin*

Mrs. Gallegos is a native and citizen of Mexico who is the wife of a citizen of the United States. Her husband has recently undergone surgery for a brain tumor which is malignant but the operation was unsuccessful and he is not expected to live more than a year. Mrs. Gallegos resides with her husband and his four children by a previous marriage.

Certain pertinent facts in this case are contained in a letter dated May 18, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
 IMMIGRATION AND NATURALIZATION SERVICE,  
 Washington, D. C., May 18, 1955.

HON. EMANUEL CELLER,  
 Chairman, Committee on the Judiciary, House of Representatives,  
 Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 889) for the relief of Maria Luisa Gallegos, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Oakland, Calif., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have procured a visa or other documentation by fraud or by wilfully misrepresenting a material fact, and would grant the alien permanent residence if she is found to be otherwise admissible.

Sincerely,

\_\_\_\_\_, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE MARIA LUISA GALLEGOS, BENEFICIARY OF H. R. 889

Mrs. Maria Luisa Gallegos is 40 years of age, a citizen of Mexico, born in Ario de Rosales, Michoacan, Mexico on June 21, 1914. She is married to Juan Gallegos, a citizen of the United States. Mr. Gallegos is the father of four children by a former marriage. There are no children born by this marriage. Mrs. Gallegos is presently residing at Calle Primera No. 558 Interior, Tijuana, Baja California, Mexico, while her husband and stepchildren reside in Richmond, California.

Mr. Gallegos is employed through the Construction and General Laborers Union at a salary of about \$80 per week. He owns property in Colorado valued at \$900. There are no other assets.

The beneficiary last entered the United States at San Ysidro, California on February 5, 1951 at which time she was inspected by United States immigration officials and admitted to the United States as a temporary visitor. She entered the United States under the name of Felipa Arriola as she used her sister's birth certificate in order to obtain a Mexican passport. Approximately 6 months after her admission she accepted employment and remained until September 17, 1953, when a warrant for her arrest was issued. On September 23, 1953 she was granted a hearing in San Francisco, Calif., and ordered deported under the provisions of section 241 (a) (9) of the Immigration and Nationality Act, in that after admission to the United States as a nonimmigrant, to wit, a visitor for pleasure under section 3 (2) of the Immigration Act of 1924, she failed to comply with the conditions of such status. On October 23, 1953 she was deported to Mexico through San Ysidro, Calif. On May 6, 1954 Mrs. Gallegos was denied permission to reapply for admission after deportation inasmuch as she gained admission into the United States on the basis of documents procured through fraud.

The sponsor, Mr. Gallegos, called at the Oakland office of the Immigration and Naturalization Service on September 16, 1953 stating that his wife was residing in the United States illegally; that she had been abusing his children; and that she had threatened the lives of his children. That the children had suffered abuse was substantiated by the Probation Department through examination of the children and interviews with neighbors. A local investigation conducted in connection with this bill failed to reveal anyone having definite knowledge concerning the alleged mistreatment of the children. A personal interview with the children indicates the beneficiary was rather strict as a stepmother but all reveal that they had not been mistreated.

The Director of the Visa Office, Department of State, submitted a report on this case, as follows:

DEPARTMENT OF STATE,  
Washington, March 14, 1955.

The Honorable EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives.

DEAR MR. CELLER: Reference is made to your letter of February 4, 1955, and its enclosures, wherein you requested a report of the facts in the case of Maria L. Gallegos, beneficiary of H. R. 889, 84th Congress, 1st session.

The American consular officer at Tijuana, Mexico, has reported as follows:

"This alien submitted a preliminary application for an immigrant visa on January 25, 1954, in which she stated that she desired to enter the United States to join her husband, Juan Gallegos, an American citizen, born at Costilla, New Mexico, in 1905 and residing at Richmond, Calif., to whom she was married at Reno, Nev., in 1952. She stated that she had resided in Mexico City from 1913 to 1951 and in San Francisco, Calif., from 1951 to 1953 when she was deported to Mexico. At the time of filing her preliminary application she stated that her address was Privada Chihuahua 215—Interior 42, Tijuana, Baja California, Mexico.

"Included in the file is a signed statement in the Spanish language, dated January 28, 1954, a translation of which follows:

"I, Maria Luisa Arriola de Gallegos, swear that I obtained a Mexican passport in Mexico, D. F., in 1951 using the birth certificate of my sister, Felipa Arriola Lopez, because I did not have my own birth certificate. I swear also that I used that passport to obtain a visitor's visa in the American consulate at Guadalajara, Jalisco, Mexico, in 1951, and at that same place I swore that I was the same person specified in the passport: Felipa Arriola Lopez."

"On the basis of the applicant's statements she was informally refused an immigrant visa on January 28, 1954 for the following reasons:

"1. Section 212 (a) (17) as a person arrested and deported and lacking permission of the Attorney General to reapply for admission;

"2. Section 212 (a) (9) as a person who has admitted the commission of a crime involving moral turpitude, to wit, perjury;

"3. Section 212 (a) (19) as a person who has procured a visa by fraud or by wilfully misrepresenting a material fact."

At this time the Department has no knowledge of any factor in Mrs. Maria Luisa Gallegos' case, other than the information hereinbefore cited, which would render her ineligible to receive a visa. However, it should be borne in mind that

any other ground of ineligibility which may come to light prior to visa issuance would preclude Mrs. Gallegos from receiving a visa.

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office*  
(For the Secretary of State).

Mr. Baldwin, the author of H. R. 889, appeared before a subcommittee of the Committee on the Judiciary, and recommended the favorable consideration of this legislation. In addition Mr. Baldwin submitted the following letters in support of this case:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., August 2, 1955.

HON. FRANCIS E. WALTER,  
*Chairman Subcommittee No. 1, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. WALTER: You will recall that you wrote me on July 8 answering my letter of July 1 relative to H. R. 889, the private bill I have introduced for the relief of Mrs. Maria Luisa Gallegos.

In your letter, you suggested that I contact personally General Swing, with the suggestion that he take advantage of his discretionary authority and "parole in" Mrs. Gallegos for emergency reasons. I am enclosing for your information a copy of my letter dated July 9, 1955, to General Swing, and a copy of his reply dated July 13, 1955. Upon receipt of his reply, we immediately contacted the supervisor of the medical social service department of the Contra Costa County Hospital, Martinez, Calif., asking them to contact Mrs. Gallegos immediately to have her report to the office of the Immigration and Naturalization Service at Tijuana Boulevard at Borderline, San Ysidro, Calif., in accordance with the suggestion of General Swing. They immediately took such action, and we have now received the enclosed reply dated July 28, 1955, from the supervisor of the medical social service department.

You will notice that this reply indicates that Mr. Gallegos' operation was not successful because of the position of his brain tumor and its malignancy, and that he will probably not have more than a year to live, most likely becoming totally blind in the last months. It is evident that it is most essential that this private bill be passed early in the session of Congress beginning in January, so that Mrs. Gallegos may be admitted permanently into the United States, as the burden of caring for Mr. Gallegos' children will fall upon her completely. I hope, therefore, that a hearing can be scheduled on this bill as soon as we reconvene in January.

If you feel that you would like to obtain an additional report of the Immigration and Naturalization Service on this case to bring their former report up to date, I hope very much that such a report can be requested at this time so that it will be available for consideration by your committee as soon as Congress reconvenes.

With kindest regards,  
Sincerely yours,

JOHN F. BALDWIN, M. C.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 18, 1956.

The Honorable FRANCIS E. WALTER,  
*Chairman, Subcommittee No. 1, Judiciary Committee,  
House of Representatives, Washington, D. C.*

DEAR MR. WALTER: I am enclosing the attached original letter, dated July 28, 1955, for addition to your file on H. R. 889, the private bill I have introduced for the relief of Mrs. Maria Louisa Gallegos. This letter indicates that Mr. Gallegos, who is a United States citizen, has only a few more months to live, and will probably become totally blind in the last months. He has four children and the burden of caring for and raising these children will fall on Mrs. Gallegos. All of the children are United States citizens.

You were kind enough to write me on August 4 to state that, because of the urgency of this situation, you would schedule a hearing on this private bill this



January. I should like to request the opportunity to appear before your subcommittee at this hearing.

With kindest regards,  
Sincerely yours,

JOHN F. BALDWIN.

COUNTY HOSPITAL, CONTRA COSTA COUNTY,  
Martinez, Calif., July 28, 1955.

The Honorable JOHN F. BALDWIN,  
Member, House of Representatives,  
House Office Building, Washington, D. C.

DEAR SIR: We would like to thank you for your very prompt action in the return of Mrs. Maria Gallegos to her family.

Mr. Gallegos' operation was not successful because of the position of the tumor and its malignancy, and he will probably not have more than a year to live, most likely becoming totally blind in the last months. He left the hospital on July 14.

Mrs. Gallegos' presence is greatly needed now, not only to care for the children, but to care for Mr. Gallegos, too.

Again we wish to thank you for your kind interest and prompt action in this case.

Yours very truly,

MISS LILLIAN WURZEL,  
Supervisor, Medical Social Service Department.  
By ARTHEA KNAPP,  
Social Worker, Admissions.

Approved:

L. WURZEL, Supervisor.

*Aavo Lohuaru.—H. R. 2741, by Mr. Gubser*

Mr. Lohuaru is a 46-year-old native of Estonia who was admitted to the United States as a displaced person in 1949, accompanied by his wife and three children, who are lawfully resident aliens in this country. He is subject to deportation because he withheld the information that he had attended a German S. S. military school while he was a member of the Estonian troops serving with the German Army against the Russians in 1945.

Certain pertinent facts in this case are contained in a letter dated October 4, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 9635) pending during the 83d Congress for the relief of the same person. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington 25, D. C., October 4, 1954.

HON. CHAUNCEY W. REED,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 9635) for the relief of Aavo Loharu, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office of this Service which has custody of those files.

The bill provides that for the purpose of the Immigration and Nationality Act, Aavo Loharu shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fee.

Sincerely,

\_\_\_\_\_, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE AAVO LOHUARU, BENEFICIARY OF H. R. 9635

Avao Loharu, whose true name appears to be Lohuaru, was born January 18, 1910 in the township of Kudina, Estonia and is a citizen of Estonia. He last entered the United States at the port of New York on January 20, 1949, as a displaced person, accompanied by his wife, Eha, and his daughters, Eda and Tea, and his son, Mati. They reside with him at 2444 Hedding Street in San Jose, Calif.

Subsequently, on the basis of evidence supplied by the Displaced Persons Commission, deportation proceedings were instituted against Mr. Lohuaru on the grounds that he made willful misrepresentations to the Displaced Persons Commission for the purpose of gaining admission to the United States as an eligible displaced person, and that the visa which he obtained was procured by fraud or misrepresentation. He was ordered deported and his appeal from that order was dismissed by the Board of Immigration Appeals on February 17, 1954.

Mr. Lohuaru attended public and high schools in Estonia. He was a member of the Estonian Army for about 1 year in 1929 and went to a military school in Estonia from 1930 to 1934. He attended a German SS military school at Bad Toeltz, Germany from April to August 1944, and for 1 month a school conducted by the security division of the German police in Berlin. He served as a member of the 22d Division of the Estonian troops serving with the German Army against the Russians in 1945. He concealed his attendance at the German SS and police schools and his service with the German Army when seeking issuance of a visa by the Displaced Persons Commission and the American consulate at Stuttgart, Germany. Such concealment constituted willful misrepresentation and fraud.

The beneficiary is employed as a punch-press operator at \$1.96 per hour. His wife has been employed since August 1952 as a hospital kitchen helper at \$120 per month. His daughter, Eda, also works in a hospital on a part-time basis. His assets consist of \$4,600 equity in a house valued at \$12,600; a 1952 Oldsmobile car valued at \$1,650; and household furniture and personal effects amounting to approximately \$5,300.

Mr. Gubser, the author of H. R. 2741, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his measure. Mr. Gubser also submitted the following letters in support of his bill:

SAN JOSE, CALIF., May 10, 1954.

HON. CHARLES S. GUBSER,  
*United States Representative, House of Representatives,*  
*Washington, D. C.*

MY DEAR REPRESENTATIVE GUBSER: Because of your knowledge, as United States Representative, of the plight of Estonia and the Estonian people during World War II and your sympathy for the sufferings of Estonians and other Baltic people at the hands of the occupying Communist Russians and Nazi Germans, I am appealing to you for assistance in preventing my deportation from the United States.

In making this appeal, I do so not only because I believe the order for my expulsion from this country is unjust, but as well because of suggestions of many officials of Estonian Lutheran Churches in California, Oregon, and New York and of Estonian organizations in New York and San Francisco.

I was born in the Democratic Republic of Estonia on January 18, 1910, and graduated from high school in 1929. In the same year, I began obligatory military service for 1 year and thereafter remained in the Estonian Military School for Officers at Tallinn, Estonia, for 4 years, attaining the rank of first lieutenant in the reserve. In 1934, I was graduated from the highest grade Estonian police school (police college) in Tallinn and became a police officer, serving in the cities of Virtsu, Tapa and Tartu under the Ministry of Interior for the Estonian Republic until the Communist Russian Army occupied Estonia in 1940. During my service as a police officer I was also studying law at the University of Tartu, Estonia.

In 1934, I was married and 3 children were born to my wife and me, now 15, 11, and 8 years of age, respectively. My wife and children were all admitted to the United States for permanent residence under Displaced Persons Act of 1948 at New York on January 20, 1949. All of them live with and are supported by me and there is no question as to their right to remain in the United States.

Following the invasion and occupation of Estonia by Soviet Armies in June 1940, my family and I went into hiding, as did thousands of Estonians. We

remained in hiding, working with the underground movement in Estonia until August 1941, when the Germans occupied Estonia and expelled the Russians.

When the German armies reached the forest where I was hiding as a "forest brother" (Querillo), I was ordered by German officers to act as their interpreter since I spoke both Estonian and German. I was directed to interpret between Germans and Estonian Communists who had been taken prisoner and I acted in that capacity for a period of approximately 10 days or from about August 20 to August 31, 1941. During this time, I of course did not belong to the German Army. At that time, most loyal Estonians believed that the best way to restore Estonia's independence was to assist the Germans against the historical enemy of Estonia—Russia—even though we were not in sympathy with the German cause. Perhaps the motive for my decision to aid the one enemy of Estonia—Germany—is better summed up by Mr. Johannes Klesment of the Estonian National Council in his book *The Estonian Soldiers in the Second World War*, published in Stockholm in 1948, in which he stated:

"The legal status of Estonia and her struggle for independence during World War II (together with her neighbors Latvia and Lithuania) is a unique thing and international law knows no analogous cases. Thus her status cannot be compared with Poland's who was successively occupied by two occupants, but whose legal government and part of whose army were able to continue their struggle on the side of the Allies. Estonia had no such advantage. Therefore, it is important to bear in mind the circumstances under which she had to fight the battle for her independence;

- "1. That she had to take what help she could get from one occupant in order to fight the other approaching one who had previously given proof of being the more dangerous and more cruel of the two;
- "2. That she struggled for her independence, not for the interests of the occupant in possession;
- "3. That she was firmly determined in time to rid herself of this occupant whose defeat at the hands of the Western powers could be foreseen in no distant future.

"In this connection it should be remembered that to accomplish these purposes the Estonians would have vastly preferred to accept the assistance of Great Britain or the United States of America, as they did in 1918-20 when they were fighting their war of liberation both against Bolshevik Russian and the German Landeswehr, if under the circumstances such assistance had not been out of the question. Hence follows that the Estonian soldiers, inasmuch as they fought only the U. S. S. R., can in no way be regarded as hostile where the English-speaking nations are concerned."

When the German Army had taken over Estonia from the Communist Russians, I was ordered by the Estonian Administration to return to my position as a police officer. Members of the administration were officials who came out from hiding after avoiding execution or deportation to Siberia by the Communists. While serving as a police officer, I was ordered by my superior officers to attend a training course in technical police work at Berlin, Germany, for 1 month in 1942. I attended this training course and returned to my police duties in Estonia.

In April 1944, I was given written orders by my superior, an Estonian officer, to attend, along with many Estonian police officers who were Estonian Army reserve officers, a school for military training at Bad Toelz, Germany. As ordered, I attended the school from April to August, 1944, and again returned to my duties in Estonia as a police officer.

In September 1944 when the Russian Communist Armies occupied Estonia again, I had to flee from Estonia. The only escape was by taking a ship to Germany and I left Estonia with my family September 21, 1944, the day before Estonia was occupied by the Russian Armies. Thousands of Estonians with small children, aged and sick persons, fled from Estonia in the same way. Since the day we left Estonia, my family and I have had what is a most anxious and miserable status because of insecurity and uncertainty as to our future—that of refugees or displaced persons.

Around January 10, 1945, I, as a refugee, became a member of the Estonian 22d Division of the Estonian Legion. Latvia, Hungaria, Ukrania, and others had the same kind of national legions. Each nationality group served under officers from their own countries except that the division chiefs were almost all Germans. I was inducted into active service since I was a reserve officer in the Estonian Army. We were ordered mobilized on threat of a death penalty if we refused and there was no choice as to whether we would serve. I remained with this division until March 13, 1945, when I deserted and burned my uniform on a German farm. I deserted after a battle on March 13, 1945 between our Estonian

division and the Russian Armies since it was clear that we were defeated and that we Estonians could not drive the Communists out from Estonia. We had no cause to fight for and no will to fight for our other enemy—Germany. Many other Estonian soldiers and two officers deserted with me at the same time that I knew about. I remained in hiding, going from place to place until about April, 1945, when I returned to the place where my family was living. After that date, I was living with my family on a German farm until we went to a displaced persons camp in Kempton, maintained by UNRRA in June, 1945—a camp supervised by a Frenchman.

About October 19, 1945, we were transferred to another displaced persons camp in Geislingen, Wurttemberg, Germany, maintained by the IRO (International Refugee Organization). At Camp Geislingen, I was, together with all displaced persons there, questioned by IRO officials as to whether I was in the German Army. I replied that I was not since I do not consider that I ever served in the German Army, but instead in the Estonian Army. Around this time in Camp Geislingen, and in almost all displaced persons camps, the Russians began secretly to put their agents into the camp administrations and camp screening commissions, emigration commissions and others. I recall a screening officer, who screened all Estonians, who was a Norwegian. Persons who admitted past service with the Estonian Legion during World War II to him were forced to leave the camp while he was in authority. After he was removed from the camp, most of these persons were permitted to return. When Estonians became camp administrators and cleared this situation with the headquarters of the American Occupation Army in Germany, all of them were returned to the camp. Later, this same Norwegian came to the camp as Soviet Russian repatriation officer in the uniform of a first lieutenant in the Soviet Russian Army. So, in answering questions as to whether I served in the German Army, I replied that I served only under the Estonian Flag, which I still know to be the truth.

Later, we were moved to another IRO displaced persons camp at Ludwigsburg, Germany, where we were processed for displaced persons immigration visas. My family and I—and so far as I recall no one from this shipment to the United States—were never questioned by any member of the United States Displaced Persons Commission. This was in the early days of the displaced persons law and the procedure was not well established. I have heard that members of later groups of displaced persons were questioned by officials of the United States Displaced Persons Commission. On January 4, 1949, the American Consulate at Stuttgart, Germany, took the visa applications for my family and me and issued visas to us. We came to the United States under the sponsorship of the Church World Service, Lutheran Council, New York, arriving in New York on January 20, 1949. Since January 24, 1949, we have lived in northern California.

On February 23, 1950, the Immigration and Naturalization Service at San Francisco issued a warrant for my arrest in deportation proceedings, charging that I failed to disclose my attendance at a German police school in Berlin, at a German military school at Bad Toelz, and my service with the German Army and association with the Nazi movement. Specifically, I am charged with withholding this information when questioned by officials of the Displaced Persons Commission or the American consulate at Stuttgart, or both. I had hearings at San Francisco on May 12 and June 2, 1950, and August 8, 1951. On November 5, 1951, my deportation was ordered and a motion to reopen my case to allow me another opportunity to disprove the charges against me was denied on February 17, 1954. At the present time, I am under an order for my deportation (file No. A7103231).

Everything that I did in Estonia or elsewhere I believed to be the best way of helping my native country. Never at any time did I voluntarily assist the German armed forces or Nazi movement to further their purpose and I never sympathized with the German aims during World War II. Everyone who knows Estonian history, or Estonian Army officers, police officers or the character of Estonian people, knows that they would never voluntarily assist their enemies. When I was fighting or working in my old country or anywhere, I was doing it for the independence of Estonia and not for the Nazis. When the ancestors of Estonian people fought thousands of years ago against the same Russians and Germans for their independence, why did I not have this same right to fight in World War II against the same enemies?

During the war, it seemed to me that it was far more sensible to fight with 1 enemy against the other 1 and later beat the first 1 than to fight alone against 2 enemies. It seems to me that the United States followed the same plan in World War II when she first fought together with Russia against Germany, and no one



would say that the United States was fighting for the purposes of Soviet Russia. While a police officer, I was sent by the Estonian administration to a police school at Berlin and a military training school at Bad Toelz. I do not know why I was sent, but it could well be that my Estonian superiors thought it an opportunity to have us learn German tactics so as to be able to fight the Germans better in the future. In any event, it is well recognized now that Estonians and people of other overrun Baltic nations were forced into German military forces against their will and it was so stated in writing by the United States Department of State and Displaced Persons Commission. Please note the attached copy of a letter written March 7, 1951, by the United States Displaced Persons Commission to The Estonian Relief Commission in New York, which in part reads:

"The Baltic Waffen S. S. Units (Baltic Legions) are to be considered as separate and distinct in purpose, ideology, activities and qualifications for membership from the German S. S., and therefore the Commission holds them not to be a movement hostile to the Government of the United States under section 13 of the Displaced Persons Act, as amended."

Regarding the deportation charges against me, I have learned that the Commissioner of Immigration and Naturalization of the Department of Justice has held in a decision that the failure of an applicant for a displaced person visa to disclose his background to an official of the IRO (International Refugee Organization) does not make him subject to deportation. In this decision (*Matter of S*, File No. A7898484), the Commissioner said that the IRO had no responsibility for enforcing or administering the Displaced Persons Act.

I would also like to point out that the Congress of the United States, in an amendment to the Internal Security Act of 1950, approved by the President on March 28, 1951, enacted law which in part reads:

"That the Attorney General is hereby authorized and directed to provide by regulations that the terms 'members of' and 'affiliated with' where used in the act of October 16, 1918, as amended, shall include only membership or affiliation which is or was voluntary, and shall not include membership or affiliation which is or was solely (a) when under 16 years of age, (b) by operation of law, or (c) for purposes of obtaining employment, food rations, or other essentials of living, and where necessary for such purpose."

In the committee report prepared in connection with the amendment to the Internal Security Act of 1950, approved March 28, 1951, the following statements appear:

"The bill makes clear the intent of Congress that aliens who are, or were, voluntary members of the Nazi, Fascist, or other totalitarian parties or organizations are to be excluded, but aliens who were involuntary members of Nazi, Fascist, or other totalitarian youth, national labor, student, or similar organizations are not to be considered ipso facto as members of, or affiliated with, the Nazi, Fascists, or other totalitarian parties or organizations within the meaning of the act of October 16, 1918, as amended. Furthermore, aliens who served in the German, Italian or other armed forces are not to be considered ipso facto as members of, or affiliated with, the Nazi, Fascist, or other totalitarian parties or subsidiary organizations."

I did not serve the Germans at any time. No member of the United States Displaced Persons Commission ever questioned me. The American consulate never questioned me, as to whether I was in the Estonian 22d Division or attended police or military schools.

Since I came to the United States I have devoted myself to hard, steady work to support my family and to build up here a home to replace the one my family enjoyed in Estonia before Communists burned and destroyed it during an air attack on the Estonian capital, Tallinn, in March, 1944. I am deeply grateful for the opportunity extended to me and to my family to come here to live and have tried by my conduct to show my appreciation. For your consideration, I attach a letter from my employer, Mr. Daniel F. Williams.

I am sincerely attached to the principles of the Government of the United States and ask only a chance to show my allegiance to the ideals of this free country. I believe the order for my deportation is most unfair and that it fails to show understanding of the situation in which I and many thousands of Estonians were placed in having to choose between the destructive political evils of Russia and German occupation. We of the Baltic Nations fought only to save our countries and ourselves and never fought in behalf of Communists or Nazis. I did not conceal any information from any American authorities, because I had no reason to do so. Never in my life have I been arrested on any charge and never by word or act have I opposed the interests of the United States or her

allies during, before, or after World War II except in the brief period when Russia was an American ally and I felt the loyal thing to do was to fight for my country and against Russia.

For your consideration, I also attach true copies of two letters from the Department of State, dated January 30 and April 25, 1951. From these letters, you will note that by act of Congress, Estonian ex-soldiers or any Estonian who fought against communism were declared in 1951 to be eligible for displaced persons visas. Though this law passed 2 years after my entry with my family into the United States, I believe it shows that Congress did not intend to prevent a man with my background from having the opportunity to come to the United States as a displaced person.

I would be extremely grateful to you if you will consider the introduction of a private bill in Congress which would grant me the right to remain in the United States. I have the promise of several church organizations, the Estonian Relief Committee, Estonian National Committee, Estonian Independence War Veterans, Mr. A. Kaiv, Ambassador of Estonia in New York, and Mr. J. Klesment, Ministry of Estonia, now in exile in the United States, that they will heartily support any effort to give me the right to remain in the United States with my family. Each of these organizations and persons will write you separately on my behalf.

I ask that you review my case and write me as to whether you can see your way clear to aid me in retaining what I consider the priceless privilege of residing in the United States.

Sincerely yours,

Aavo LOHUARU.

SAN JOSE, CALIF., May 27, 1954.

HON. CHARLES S. GUBSER,  
*United States Representative,  
House of Representatives, Washington, D. C.*

MY DEAR REPRESENTATIVE GUBSER: I Aavo Lohuaru, born January 18, 1910, in Estonia, citizen of Estonian Democratic Republic, residing at 2444 Hedding Street, San Jose, Calif., swear under oath that I have never personally advocated or assisted in the persecution of any person or group of persons because of race, religion, or national origin while serving in the Estonian Legion, under German command, police, or anywhere before, during and after World War II.

Sincerely yours,

Aavo LOHUARU.

STATE OF CALIFORNIA,  
*County of Santa Clara ss:*

On this 27th day of May in the year one thousand nine hundred and fifty-four before me, Elta W. Holton, a notary public in and for the county of Santa Clara, State of California, personally appeared Aava Lohuaru known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

In witness whereof, I have hereunto set my hand and affixed my official seal, at my office in the county of Santa Clara, the day and year in this certificate first above written.

[SEAL]

ELTA W. HOLTON,  
*Notary Public in and for the County of Santa Clara, State of California.*

My commission expires October 11, 1956.

ESTONIAN RELIEF COMMITTEE, INC.,  
*New York, N. Y., July 8, 1954.*

The Honorable CHARLES S. GUBSER,  
*House of Representatives, Washington, D. C.*

SIR: The Estonian Relief Committee, Inc., an organization created by Estonians of American origin in 1941 in order to care for Estonians who managed to flee from the Communist occupation and terror in Estonia, has since its beginning devoted itself to reestablishing Estonian refugees in this free country. When the people of the United States, having become aware of the plight of the refugees in Germany and Austria, permitted their entrance to this country by passing the Displaced Persons Act of 1948, the Estonian Relief Committee became active in its work for immigration. We experienced little trouble except for some misunderstandings about the status of men who had fought against the Communists with German

arms; this, however, was only in the beginning, as in March 1951 it was recognized by the Department of State that Estonian men had been forcible and illegally drafted by the Germans into Estonian units under German command, and that these men were therefore eligible for immigration. After this problem had been cleared up, the immigration proceedings for Estonians went on smoothly.

Now, however, in one case the immigration proceedings have been taken up again, and again the question of whether a man had joined the police or army voluntarily or whether it was obligatory for a man to continue his previous service under German occupation has been thrown open. And again there is misunderstanding in the question of whether service in the Estonian national units or the Estonian police constitutes service in the German army or the German police, respectively. The case in question is Mr. Aavo Lohuaru, of 2444 Hedding Street, San Jose, Calif., in whose case a deportation decision has been made. Mr. Lohuaru has petitioned you to introduce a special bill for him which would permit him to remain in the United States together with his family, who would be left without a supporter in case of his deportation.

As we understand it, the sole reason for Mr. Lohuaru's deportation is the fact that he considered his service in the Estonian police still Estonian civil service and his commanded attendance at a criminal police course in Berlin a part of his duty as an Estonian civil servant during the time of German occupation, and that he considered his service in the Estonian division in Germany with the preceding training at a military course at Bad Toelz part of his service in the Estonian Army of which he was an officer in reserve. It is a well known fact that the unit in question was a purely national one put under German command, and thus the question of having served or not served in the German Army remains purely formalistic.

On the above reason the Estonian Relief Committee strongly supports the petition of Mr. Lohuaru and hopes that you will find it possible to obtain a permission for him to stay in the United States so that he may be able to contribute his part to our common crusade against communism. We would like to add further that it was not uncommon during the early days of UNRRA for men to conceal any kind of military or police service from the UNRRA officers who often were on very friendly terms with Russian personnel and who could have, as it was strongly feared, caused extradition of any refugee who had borne arms against the Russians.

Thanking you in advance for any steps you may find feasible to take in this matter, we remain,

Yours truly,

ALFRED J. ANDERSON,  
*Executive Secretary.*

CONSULATE GENERAL OF ESTONIA,  
*New York 20, N. Y., May 17, 1954.*

*To Whom It May Concern:*

This is to certify that this Consulate General has no information to the effect that the citizen of Estonia Aavo Lohuaru would have belonged to any extremist political movement in Estonia, as communism or fascism.

According to available information Mr. Aavo Lohuaru is an honest and reliable person of good character and respected by fellow Estonians.

[SEAL]

JOHANNES KAIV,  
*Acting Consul General.*

ST. PETER'S ESTONIAN EVANGELICAL  
LUTHERAN CONGREGATION OF LOS ANGELES OF THE  
AUGUSTANA EVANGELICAL LUTHERAN CHURCH,  
*Los Angeles 6, Calif., May 21, 1954.*

HON. CHARLES S. GUBSER,  
*United States Representative,  
House of Representatives, Washington, D. C.*

DEAR MR. GUBSER: I have learned that my good friend Mr. Aavo Lohuaru, 2444 Hedding Street, San Jose, Calif., is involved in a situation with the Board of Immigration. They decided that he should be sent back to Germany, where he was a refugee 5 years ago and from there emigrated to the United States of America.

I would like to inform you about his case and ask for your consideration of this case. I have known Mr. Lohuaru since 1925 in Estonia, where we were school-

mates in the high school. He was a very friendly and intelligent student. Later he was busy in the Estonian police service and when Estonia was occupied by the German Army in 1941, he was compelled to continue his service as an Estonian policeman. He was obliged to follow the directions of the German police, but he was always there as an Estonian policeman and was never entrusted with dealings the German Secret Police had. The same was true of the German SS Army to which our Estonian soldiers belonged. They were German SS men but they did not have the same relationship or duties the regular German SS troops had.

Mr. Lohuaru was in the Police Service as a man who was ordered to follow the instructions of the German police, but he remained there in his duties always as an Estonian policeman with reserved rights.

In 1944 he escaped with his family to Germany and in 1945 was living in the displaced persons camp of Geislingen (Steige), where I was as a pastor. There I presented his case for emigration to the United States of America and gave him my full support through the Church World Service in München.

Knowing his integrity I am very much concerned that his loyalty now is called in question and that he has been ordered to be deported. I am in a position to assure you that his fight has been continuously against communism and in Estonia we were in a situation to accept the German control both in the police and SS Army. The Estonians of the German SS Army have gained the right to come to the United States of America and it would seem that Mr. Lohuaru should have the same right.

Last summer I visited Mr. Lohuaru and his family in San Jose and I can assure you that he will be a loyal citizen of this free country. He has a splendid spirit to go with the United States of America everywhere against communism. I therefore petition your assistance in keeping him here so that he will not be separated from his family.

Sincerely yours,

Rev. JOHANNES AARIK, *Pastor.*

PORTLAND 13, OREG., May 18, 1954.

Hon. CHARLES S. GUBSER,  
*United States Representative,  
House of Representatives, Washington, D. C.*

DEAR SIR: I recently learned that the United States Immigration Board in Washington, D. C. has come to the conclusion that Mr. Aavo Lohuaru, with whom, I assume, you are in contact, should be deported from the United States. This action came as a great shock to me.

Aavo Lohuaru, whose address is 2444 Hedding Street, San Jose, Calif., was my schoolmate when I attended the H. Treffner High School in Tartu, Estonia, and since then has been a very good friend of mine. We attended this high school together for about 5 years. And later, when I was drafted into the Estonian Army we attended together the Estonian Military Training School for lieutenants of reserve. This was from the year 1930 to 1931. He later graduated from this school and became a first lieutenant in the Estonian Army. After his service with the army he started to serve on the Estonian police force thus keeping his rank as first lieutenant. He escaped deportation by the Communists in 1941, and after they left, he again was called to serve on the Estonian police force, but this time our country was under German occupation. When the Germans started their downfall in the Second World War they began to draft Estonian officers, especially those on the police force. Mr. Lohuaru was also among the thousands drafted. He, however, did not fight really for the Nazis but for our own country which was also attacked by the Communists, whose crimes the United States has begun to discover in the recent years. And I think that you believe as firmly as I do that it is not a crime to fight for your country, although you are forced under circumstances to do it in the uniform of another country.

The United States Immigration Board, however, has made this a big enough reason to deport Mr. Lohuaru from the United States, I do not know where, (maybe to the Soviet Union)? A man who has so often risked his life in the fight for freedom and destruction of communism will be deported from the United States. I cannot understand that.

As I mentioned before, I was really shocked by this decision as were many of my fellow countrymen and the members of my congregations. I know Mr. Aavo Lohuaru as a great anti-Communist and a good Christian. This is why I have decided to write to you, an elected representative of the people, and ask



you to start immediately a bill which would enable Mr. Aavo Lohuaru to lead a peaceful life in the United States, in the country which he really loves.

Respectfully yours,

Rev. KARL KIISK, *Pastor.*

TRINITY LUTHERAN CHURCH,  
*San Francisco, Calif., May 10, 1954.*

HON. CHARLES S. GUBSER,  
*United States Representative,  
House of Representatives, Washington, D. C.*

DEAR SIR: I wish to recommend Mr. Aavo Lohuaru, 2444 Hedding Street, San Jose, Calif., as a good Christian and a father of industrious and good character, able to cooperate with others in the Christian way of life.

Estonian church members in northern California, many of whom have known him since days of Estonia's independence, as well as, during the period of German occupation and D. P. camps in Germany, do not have any knowledge of him ever cooperating with the German Government. Immigration authorities contend the contrary which appears to be the main reason for the proceedings of his deportation.

On behalf of them I ask your assistance and help to grant him and his family the legal right to stay in this country so that he and his family may find a new home in the United States to which his loyalty is unquestionable.

Sincerely,

KARL LIPPING, *Pastor.*

*Peter Berth—H. R. 2751, by Mr. McGregor*

The beneficiary is a 34-year-old native of Yugoslavia who was admitted to the United States for permanent residence in 1949 under the provisions of the Displaced Persons Act of 1948, as amended. His wife is a lawfully resident alien in the United States and they have one child who is a native-born citizen of the United States.

The pertinent facts in this case are contained in a letter dated June 21, 1955, from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington 25, D. C., June 21, 1955.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 2751) for the relief of Peter Berth, there is attached a memorandum of information concerning the beneficiary. This memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Cleveland, Ohio, office of this Service, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Yugoslavia.

Sincerely,

\_\_\_\_\_, *Commissioner.*

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE PETER BERTH, BENEFICIARY OF H. R. 2751

Peter Berth, also known as Peter Schimdt, who claims to be stateless, was born on November 9, 1921, in Mramorak, Yugoslavia. The beneficiary was married in Mansfield, Ohio, on March 17, 1951, to Elizabeth Lamnek, a legally resident alien, and a child was born to them in that city on May 22, 1952. They reside at 135 South Diamond Street, Mansfield, Ohio.

Mr. Berth is employed as a tailor by the Richman Bros. Clothing Co., Cuyahoga Falls, Ohio, at a salary of \$70 per week. He attended public school in Yugoslavia from 1928 to 1934 and a trade school for tailors from 1934 to 1937. He has testified that his wife is unemployed and that she and their child are dependent on him for support. The beneficiary and his wife have about \$2,700 in cash, and furniture which they value at \$800. He has no near relative in the United States except his wife and child. His mother, a native of Yugoslavia, is believed to be residing somewhere in Germany. Mr. Berth has a brother, also a native of Yugoslavia, now living in Austria.

The beneficiary resided in Yugoslavia from birth until about 1942. He worked as a tailor in Belgrade, Yugoslavia from about 1938 to about 1940, returned to his native village for a few months, and again went to Belgrade and worked as a tailor for approximately 2 years. About May 1942, he voluntarily enlisted in the German Army. He trained in Austria, served in Russia, transferred to the SS Prince Eugene Corps, composed of Yugoslavs, and surrendered to the British when the German Army capitulated in May 1945.

Mr. Berth arrived in the United States on August 9, 1949 at Boston, Mass., on the steamship *General W. C. Hann*, and was admitted for permanent residence upon presentation of an immigration visa issued under section 6 (b) of the Displaced Persons Act of 1948.

A warrant for the beneficiary's arrest in deportation proceedings was issued March 6, 1952, on the charge that the immigration visa with which he entered the United States was not valid because it was procured by fraud or misrepresentation. The warrant was served on March 24, 1952, and a hearing was accorded the beneficiary on May 6, 1953, at which time he admitted under oath that, when making arrangements to come to the United States, he withheld from the International Refugee Organization and the American consul the information concerning his service in the German Army; and that he had testified falsely before them as to the places and periods of his residence during such Army service.

The special inquiry officer found the beneficiary deportable on the charge stated in the warrant of arrest, but ordered the grant of voluntary departure. The Board of Immigration Appeals dismissed Mr. Berth's appeal from the order and later denied a motion for reconsideration. He has never departed from the United States. On May 4, 1954, a warrant for his deportation to Yugoslavia was issued on the charge described above.

A visa petition submitted on behalf of the beneficiary by his wife has been approved. However, he is excludable from admission into the United States and ineligible to receive an immigrant visa under section 212 (a) (19) of the Immigration and Nationality Act as an alien who has secured a visa by fraud or by willfully misrepresenting a material fact.

Mr. Berth claims that because of his German descent he would be persecuted by the Yugoslav Communists if returned to his native country. He bases this assertion on the claim that during World War II his father was shot, that his grandmother died in a concentration camp, and that his mother was confined in the same camp about 3 years. His statement regarding his relatives is borne out to some extent by the testimony of three witnesses now in the United States.

The beneficiary has had no military service in the Armed Forces of the United States. Because of his age, he has never been required to register under the selective service laws of this country.

H. R. 6766 was introduced in Mr. Berth's behalf in the 83d Congress, 1st session, but on that bill the Congress took no action.

Mr. McGregor, the author of H. R. 2751, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of his measure. Mr. McGregor also submitted the following letters in support of this legislation:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., March 3, 1955.

Re Berth, Peter, H. R. 2751.

HON. EMANUEL CELLER,  
Chairman, Judiciary Committee,  
United States House of Representatives,  
Washington 25, D. C.

DEAR MR. CHAIRMAN: We are today in receipt of your letter of March 2 regarding H. R. 2751, my bill for the relief of Peter Berth. In compliance with

your request, we are hereby providing the necessary information concerning Mr. Berth.

It is our understanding Mr. Berth is a native of Yugoslavia and entered the United States at Boston, Mass., on August 9, 1949, as a passenger on the United States steamship *General W. G. Hahn*, at which time he was admitted as a displaced person upon presentation of an immigration visa. He is married and has an American-born son. He resides with his wife at 135 South Diamond Street, Mansfield, Ohio.

We trust this information will complete your file. May we respectfully request that you ask the Department of Justice to submit a report on this bill. Your cooperation on this matter will be greatly appreciated.

Respectfully yours,

J. HARRY MCGREGOR,  
*Member of Congress.*

MANSFIELD, OHIO  
*August 3, 1953.*

HON. J. HARRY MCGREGOR,  
*Congressman from 17th District, Ohio,  
Washington, D. C.*

DEAR MR. MCGREGOR: I understand that you have been contacted by Mr. Anthony Knefely, of Mansfield, to introduce a private bill for the relief of one Peter Berth.

Just what this means I do not exactly know but I do want to explain to you that I have become acquainted with Peter Berth and believe him to be honest and of good character and would make a good citizen of the United States of America.

I do not know all the details of his life but know that he came to this country from Yugoslavia after the close of the war, is a tailor and worked at the local Richman Bros. Store, became acquainted with a young lady who also was in one of the German camps from his country and they are now married and have one son about a year old.

It seems as though Peter did some misrepresenting when he applied for admission but after an experience in conversion at the same church I attend he admitted his wrong and the immigration service now are planning on deporting him.

You may have more facts and details than I do and not as a favor to me but to Peter and his wife and son I do wish that you could exhaust all means to allow him to remain in this country. Some action must take place somewhere along the line within 60 days as that is the deportation deadline, according to what information I have.

I presume that if he were permitted to remain here he would apply for citizenship and I am very sure that he would make a good one. I trust that you will take favorable action and if there is anyway in which I can be of assistance I will be glad in order to be of most use to Peter.

Very earnestly yours,

F. F. SMITH.

THE RICHMAN BROTHERS Co.,  
*Mansfield, Ohio, July 21, 1953.*

THE HONORABLE JOHN W. BRICKER,  
*Senator from Ohio, Washington, D. C.*

DEAR MR. SENATOR: This letter is to state that Mr. Peter Berth was an employee of our company from August 1949 to September 1952 as a tailor.

During this period, we have found Mr. Berth a trustworthy employee in every respect.

We have the utmost confidence in Mr. Berth as to his character, honesty, and integrity.

Very truly yours,

C. H. SAYLOR, *Manager.*

OHIO HOUSE OF REPRESENTATIVES,  
Columbus, July 13, 1953.

The Honorable JOHN W. BRICKER,  
Senate Office Building, Washington 25, D. C.

DEAR SENATOR BRICKER: In addition to what Mr. Anthony Knefelty has written to you about Mr. Peter Berth may I include my request that you sponsor a private bill in behalf of Mr. Berth.

Mr. Berth is known to me personally and I can give him nothing but the highest recommendations. He is in all respects a most beneficial element in our community.

Thank you for your kind consideration.

Sincerely,

NEIL S. ROBINSON.

*Ming Yu Chen—H. R. 3199, by Mr. Zelenko.*

Mr. Chen is a native and citizen of China who was admitted to the United States in 1953 as a member of the United States Army, returning from service in Korea and Japan. He had been inducted into the Army in the United States in 1952 after he entered this country illegally from Canada.

The pertinent facts in this case are contained in a letter dated June 15, 1955 from the Commissioner of Immigration and Naturalization to the Chairman of the Committee on the Judiciary. That letter, and accompanying memorandum, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington 25, D. C., June 15, 1955.

Hon. EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington 25, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3199) for the relief of Ming Yu Chen, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would grant the alien the status of a permanent resident of the United States upon payment of the required visa fee. It also directs that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota for Chinese persons.

Sincerely,

\_\_\_\_\_, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE MING YU CHEN, BENEFICIARY OF H. R. 3199

The beneficiary, Ming Yu Chen, a Chinese citizen, was born at Non-Po, Chekiang Province, China, on November 25, 1932. He resides at 15 East First Street, New York, N. Y. Mr. Chen's employment is that of a waiter in various Chinese restaurants in New York City. He earns a weekly salary of \$25 supplemented by gratuities. His assets consist of a savings bank account with a present-day balance of \$10, and personal effects estimated at \$400. The beneficiary attended grade school and secondary school for a period of ten years in his native country, and also attended West Virginia Wesleyan College, Buchanan, W. Va. from September 1954 to February 1955. His mother and sister, citizens of China, reside in Hong Kong. A brother, also a citizen of China, resides in Shanghai, China.

The alien last entered the United States at Champlain, N. Y. on July 13, 1951, surreptitiously. Deportation proceedings were instituted through the issuance of a warrant of arrest on July 14, 1951, charging him with entry without inspection, not in possession of a valid passport, and also, an immigrant not in possession of a valid immigration visa. The hearing officer recommended deportation. The alien appealed and on October 5, 1951, the Assistant Commissioner, Inspection and Examinations Division, ordered that the alien's application for voluntary



departure be denied. It was further ordered that the alien be deported pursuant to law. An appeal from that decision was dismissed by the Board of Immigration Appeals on December 29, 1951, and a warrant for his deportation was issued.

On July 14, 1951, the alien was arrested for entering the United States illegally. He pleaded guilty before the United States district court, Utica, N. Y., and was sentenced to 30 days imprisonment, which he served.

Mr. Chan was a member of the United States Army, A51168110, from June 2, 1952, until he was honorably discharged on December 2, 1953. In November 1952 he left the United States as a member of the United States Army, served overseas in Korea and Japan, and returned to this country on December 2, 1953.

Mr. Zelenko, the author of H. R. 3199, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his bill. Mr. Zelenko also submitted the following letters in support of this legislation:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., January 31, 1955.

Re H. R. 3199 For the relief of Ming Yu Chen.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: I am writing to you with regard to H. R. 3199, legislation I have introduced for the relief of Ming Yu Chen, who resides at 530 West 122d Street, New York City.

Mr. Chen was born in Ningpo, Chikong, China; he embarked from Hong Kong on February 25, 1951, aboard the steamship *New Archer* as a cabin boy, and entered the United States, at Champlain, N. Y., on July 13, 1951. On June 2, 1952, Mr. Chen was drafted into the United States Army and served with the 330th MISP Platoon in Korea until December 2, 1953, when he was discharged under honorable conditions by virtue of the fact that he was an alien without legal residence in the United States.

I would appreciate your obtaining the necessary reports from the appropriate Government agencies in order that this bill can be considered when it is reached on the committee calendar.

With every good wish, I am

Sincerely yours,

HERRERT ZELENSKO,  
*Member of Congress.*

AMVETS,  
*New York 1, N. Y., June 30, 1954.*

Re Chen, Ming Yu, 530 West 122 Street, New York City  
S No. US 51 168 110

HON. JACOB K. JAVITS,  
*House of Representatives, House Office Building,  
Washington, D. C.*

DEAR CONGRESSMAN JAVITS: This is to certify that I have known Mr. Ming Yu Chen since his honorable discharge in early December 1953. I do not hesitate to vouch for this young man for he has impressed me very favorably. I have found him to be neat, personable, and possessing an integrity conducive to good citizenship.

Mr. Chen is a member in good standing of AMVETS. I have come to know him as a person of constructive ideas. He has demonstrated his desire to become self-sufficient by becoming employed under most handicapping conditions, and by his interest in actively pursuing courses in English, algebra, typing, and economic citizenship. I believe you will join me in agreeing that this reflects well upon his character and initiative.

Should you desire any further information concerning Mr. Chen, I should be very happy to cooperate in whatever way possible. May I add my own personal thanks for your interest in Ming's behalf.

Most sincerely yours,

LESTER E. SPEAR,  
*National Service Officer.*

MARCH 23, 1954.

Re Chen, Ming Yu, 530 West 122d Street, New York, N. Y.

Hon. HERBERT LEHMAN,  
*United States Senate, Washington, D. C.*

DEAR SENATOR LEHMAN: This organization is assisting the above-named veteran in his quest for citizenship, but the many obstructions encountered have prompted us to seek your assistance. Perhaps a history of the case will better acquaint you with our problems.

On February 25, 1951, Ming Yu Chen embarked from Hong Kong aboard the steamship *New Archer*, as a cabin boy; on July 13 of that year, Chen "jumped ship" in Chaplin N. Y., and entered the United States. He was drafted on the second day of June 1952, into the United States Army and subsequently served with the 70th Tank Battalion, 1st Cavalry Division, in Japan, and later with the 330th MISP Platoon, in Korea, as an interpreter interrogating Chinese prisoners. Chen was discharged, under honorable conditions, on December 2, 1953, by virtue of the fact that he was an alien without legal residence in the United States of America. He had honorably served his chosen and adopted country against an aggressive enemy for about a year and a half.

Since his discharge Chen has applied for citizenship under Public Law 86 and has been advised of denial by the Department of Justice, Immigration and Naturalization Service, of New York City, "inasmuch as you are unable to show that you were physically present in the United States for a single period of 1 year at any time before entering the Armed Forces, it appears that you are not eligible for naturalization." Chen was living in this country for 11 months and 11 days prior to his entry into the service. He has further been advised by the counsel general of the Republic of China that the Refugee Relief Act of 1953, Public Law 203, can offer him no succor. Some time ago he wrote to Senator William Langer, of the Senate Committee on the Judiciary, and was advised by the Senator to seek relief again under Public Law 86.

Chen's alien registration number is A8091749; his present passport expires next January, and although it may be renewed at that time, many benefits are denied him because of his alien status. It would not be very feasible for Chen to return to his birthplace in Ningpo, Chikong on the mainland of China, since he has espoused the cause of freedom and democracy, and physically fought and opposed the communistic demagogues who have overrun his country.

I feel that Ming Yu Chen is a worthy and deserving applicant for citizenship. He is neat, polite and sincere in his efforts as well as being intelligent and well-voiced on his favorite subject—the United States of America. I enthusiastically recommend this fellow-veteran of the Korean campaign for that title which he diligently seeks—United States citizen.

It is my sincerest hope that you will be able to offer some assistance of special legislation in this case. You may be sure that Chen will appreciate any efforts you may make in his behalf, and this office will be ever grateful for any aid you may offer.

Very truly yours,

T. EUGENE MALONE, *National Service Officer.*

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*Michele Costantino Pastore—H. R. 4040, by Mr. Phillips*

The beneficiary is a 58-year-old Italian husband of a United States citizen, and the father of four native-born citizens of the United States.

The pertinent facts in this case are contained in a letter dated November 8, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 10192) pending during the 83d Congress for the relief of the same person. That letter, and accompanying memorandum, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington 25, D. C., November 8, 1954.

Hon. CHAUNCEY W. REED,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington 25, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10192) for the relief of Michele Constantino Pastore, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the San Francisco, Calif., office, which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

As the husband of a United States citizen, Mr. Pastore is entitled to nonquota status in the issuance of an immigration visa.

Sincerely,

\_\_\_\_\_, *Commissioner*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES CONCERNING MICHELE CONSTANTINO PASTORE, BENEFICIARY  
OF PRIVATE BILL H. R. 10192

The beneficiary, Michele Constantino Pastore, whose true name appears to be Michele Costantino Pastore, or Michele Pastori, was born September 7, 1897, at Casamassima, Bari, Italy, and is a citizen of Italy. He came to the United States June 18, 1926 as a visitor, to attend the Eucharist Congress and has remained here since that time. Deportation proceedings were instituted, and on July 1, 1954, a special inquiry officer ordered the subject to depart voluntarily from the United States, or be deported. It was also found he was ineligible for suspension of deportation inasmuch as he is in a class defined under section 19 (d) of the 1917 Act.

On June 13, 1921, in Italy, the subject was convicted of the crime of statutory rape. On November 19, 1924, the court of appeals affirmed the conviction and condoned 6 months of the penalty of a sentence of 1 year for the crime. He claims that after having actually served 2 or 3 months in jail, he was pardoned by the King of Italy. Subject was first married in Italy in 1921. In 1922, they were separated through legal proceedings and a child was born to them February 13, 1923. Beneficiary married his present wife, Rosa Maria Pina Damiani on September 8, 1931, at Burlingame, Calif. She was naturalized at Visalia, Calif. on June 9, 1944, certificate No. 6035623. During the course of his deportation hearing, some doubt arose as to the validity of subject's present marriage. He thereupon secured an annulment of his first marriage and remarried his present wife at Reno, Nev., on June 17, 1947.

Beneficiary and his present wife have four children, the eldest of whom is studying law at the University of San Francisco. The other children reside with them in Fresno, Calif. Beneficiary is employed by the California Growers, Inc., Reedley, Calif., at a salary of \$100 per week. He formerly operated an olive packing plant in Fresno and an olive processing and canning factory in Visalia, Calif. Both ventures ended in bankruptcy. He has discontinued his efforts in that field. He claims to own 10 acres of land, valued at \$25,000, which is mortgaged in the amount of \$14,000. He owns canning equipment, which he values at \$15,000, and cans, labels, and supplies valued between \$2,000 and \$3,000. His wife contributes to the income by being seasonally employed in a packing house.

In addition to the statutory rape conviction in Italy, the subject was arrested in the United States at Fresno, Calif., for fighting, in 1933, for which he spent 1 day in jail. In 1934 or 1935, he states he was accused of stealing \$3, but the case was dismissed. In 1939, he was taken to the Tulare County Jail at Visalia, Calif. for about 1 hour, following domestic trouble. During 1944 and 1945, subject and his Superior Olive Co. of Visalia, were defendants in a suit brought by the Office of Price Administration for alleged violations of O. P. A. regulations and price ceilings. The case was dismissed. Beneficiary had the equivalent of a high school education in Italy. Neighborhood investigation in the vicinity of his place of residence was favorable to the beneficiary.

Mr. Phillips, the author of H. R. 4040, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his measure, submitted the following telegram and statement in support of his bill:

FRESNO, CALIF., February 27, 1956.

Re Michele Constantino Pastore.  
Congressman B. F. Sisk,

*House Office Building, Washington, D. C.:*

Checked our Records Bureau, also Fresno County Records Bureau. Failed to find any record other than the minor violations with which you are already familiar. Pastore has not been a police problem according to records.

H. B. MORTON, *Chief of Police,*  
By D. E. STINE, *Deputy Chief of Police.*

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UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*San Francisco, July 1, 1954.*

File: A5649139.

In re: Michele Costantino Pastore, in deportation proceedings in behalf of respondent: Laurence B. Meyers, attorney at law, 844 North Van Ness Avenue, Fresno 4, Calif.

CHARGES

Warrant: Act of 1924; visitor; remained longer.

Lodged: Immigration and Naturalization Act; excludable at time of entry as a person who has been convicted of a crime involving moral turpitude prior to entry, to wit, statutory rape.

Application: Suspension of deportation.

Detention status: Released under a \$500 delivery bond.

Warrent of arrest served: July 18, 1945.

DISCUSSION

This record relates to a 56-year-old married male, a native and citizen of Italy, who has testified that he last entered the United States on June 18, 1926 at New York on the steamship *Giuseppe Verdi*. He states that he was admitted as a visitor for a period of 1 year. This entry has been verified and the record discloses that he was admitted under section 3 (2) of the Immigration Act of 1924. He has testified that he intended to return to Italy at the time of his arrival in this country; however, he later decided to remain in the United States. It is found that the charge contained in the warrant of arrest is sustained by the evidence.

The respondent has testified that he was arrested in Italy in 1920 and charged with seduction, for which offense he served 3 or 4 months in jail. He has identified an authenticated copy of the record appearing in the criminal division of the court of appeals of Le Puglie in and for Bari, wherein it appears that Pastore Michele was sentenced to imprisonment by the criminal court of Bari on June 13, 1921, for the crime of statutory rape. The record shows that the court of appeals of Le Puglie on November 19, 1924, affirmed the conviction of the court of Bari and condoned 6 months of the physical penalty. The respondent has testified that he was granted by proclamation of the King of Italy a pardon from this crime. This would be immaterial as it has been held that a pardon received abroad for a crime committed there does not remove the grounds of exclusion based on that crime (*Matter of N; A-6953557* decided August 26, 1949). The record of the court discloses that the respondent did reside in an illicit relationship with a 17-year-old girl. Article 341 of the Penal Code, under which the respondent was convicted, reflects that "Whoever, by violence, threat or deceit, holds or detains, for the purpose of lust or of marriage, a minor, or a married woman for the purpose of lust, is punishable by imprisonment from 3 to 7 years. "If the minor be held or detained without violence, threat or deceit, but with her own consent, the penalty is for imprisonment for a period of from 6 months to 3 years."

It is concluded on the basis of the foregoing that the lodged charge is sustained.

The presiding inspector had previously proposed that deportation of the respondent be suspended under section 19 (c) of the Immigration Act of 1917. This recommendation was made on April 1, 1948. On May 3, 1951, the case was



remanded to the field and ordered reopened in order that the record could be brought up to date.

The respondent is married to a citizen of the United States and has four children of this relationship who were born in the United States. Three of the children are minors and reside with their parents and the eldest is attending college. The family is entirely dependent upon the respondent. The respondent has testified that he is in the olive business and has had no income for the past 2 years; that he has supported himself and his family on the reserves which amount to about \$15,000. The respondent has testified he was arrested in 1933 for fighting in Fresno, and was in jail 1 day for this offense. He was charged with stealing \$3 in 1934 or 1935, which charges were dismissed. He testified that he was in jail for about 1 hour in Visalia, Calif., in 1939, because of trouble with his wife and that subsequently has been arrested a few times for traffic violations. He was charged with violating the regulations of the Office of the Price Administrator in 1945, which charges were dismissed by the United States district court. An independent character investigation discloses that the respondent has not been other than a person of good moral character and that he is loyal to the United States. He is registered under the Selective Service and Training Act of 1940. His application for suspension of deportation filed under section 19 (c) of the Immigration Act of 1917, cannot be given favorable consideration as he is within a class defined under section 19 (d) of the act by virtue of his conviction and sentence in Italy. It appears that he meets the statutory requirements for voluntary departure, which is the next best discretionary relief that may be granted to him.

The respondent has testified that in the event he is ordered deported from the United States, he desires to be returned to Italy.

#### FINDINGS OF FACT

Upon the basis of all the evidence presented, it is found:

- (1) That the respondent is an alien, a native and citizen of Italy;
- (2) that the respondent last entered the United States at New York, N. Y., on June 18, 1926;
- (3) that the respondents at the time of this entry was admitted under section 3 (2) of the Immigration Act of 1924 as a temporary visitor;
- (4) that the respondent intended to return to Italy upon the completion of his visit;
- (5) that the respondent was convicted in the court of Bari, Italy on June 13, 1921, of the crime of statutory rape.

#### CONCLUSIONS OF LAW

Upon the basis of the foregoing findings of fact, it is concluded:

- (1) That under section 13 and 14 of the Immigration Act of May 26, 1924, the respondent is subject to deportation on the grounds that after admission as a visitor he has remained in the United States for a longer time than permitted under said Act or regulations made thereunder;
- (2) that under section 241 (a) (1) of the Immigration and Nationality Act, the respondent is subject to deportation on the grounds that at the time of entry he was within one or more of the classes of aliens excludable by the law existing at the time of such entry, to wit: A person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude prior to entry into the United States under section 3 of the act of February 5, 1917, to wit, statutory rape.

#### ORDER

It is ordered that the alien be granted voluntary departure at his own expense in lieu of deportation, within such period of time or authorized extensions thereof and under such conditions as the district director or officer in charge having administrative jurisdiction of the office in which the case is pending shall direct.

It is further ordered that if the alien fails to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the alien deported from the United States in the manner provided by law on the charge contained in the warrant of arrest and the lodged charge.

NORMAN H. SPECK,  
Special Inquiry Officer.

*Oswald E. Kohlruss, Antonie Kohlruss and Evelyn Hedy Kohlruss.—  
H. R. 3870, by Mr. Zelenko.*

The beneficiaries are a 39-year-old native of Rumania, his Austrian-born wife and their daughter who was born in Shanghai, China. They were all admitted to the United States in 1949 in transit to Canada. Mrs. Kohlruss' parents are citizens of the United States and reside with the beneficiaries of this bill. In addition, Mr. and Mrs. Kohlruss have another child who is a native-born United States citizen.

The pertinent facts in this case are contained in a letter, dated November 8, 1954, from the Commissioner of Immigration and Naturalization to the then chairman of the Committee on the Judiciary, regarding a bill (H. R. 10183) pending during the 83d Congress for the relief of the same persons. That letter, and accompanying memorandum, read as follows:

NOVEMBER 8, 1954.

HON. CHAUNCEY W. REED,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 10183) for the relief of Oswald E. Kohlruss, Antonie Kohlruss, and Evelyn Hedy Kohlruss, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the New York, N. Y. office of this Service, which has custody of those files.

The bill would grant these aliens the status of permanent residents of the United States upon payment of the required visa fees. It also directs that the required numbers be deducted from the appropriate immigration quota or quotas.

Oswald E. Kohlruss is chargeable to the quota of Rumania, Antonie Kohlruss to the quota of Austria, and Evelyn Hedy Kohlruss to the quota of China.

Sincerely,

— — — — —, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE OSWALD E. KOHLRUSS, ANTONIE KOHLRUSS, AND EVELYNE HEDY KOHLRUSS, BENEFICIARIES OF H. R. 10183

Oswald E. Kohlruss, a native of Cernowitz, Rumania, was born on May 26, 1916. His wife, Antonie Kohlruss, nee Menkes-Vrandler, was born in Vienna, Austria, on December 26, 1916. The couple's daughter, Evelyn Hedy Kohlruss, was born in Shanghai, China, on June 20, 1945. Each of the beneficiaries was last a citizen of Austria and a resident of China, and each now claims to be stateless. They entered the United States together at San Francisco, Calif., on March 11, 1949, at which time they were admitted for a 1-month period while in transit to Canada. On December 5, 1949, warrants for the arrest of the aliens were issued, based on the charge that they had remained in this country for a longer period than permitted under the terms of admission. The beneficiaries then applied for, but were denied, adjustment of status as displaced persons residing in the United States. Subsequent hearings in deportation proceedings led to this Service's approval of applications filed by the adult beneficiaries for adjustment of status and based on alleged economic detriment to the couple's second child, Patricia Ann Kohlruss, who was born in New York, N. Y., on August 14, 1951. However, upon referral to Congress, the suspension of deportation cases of the adults failed of passage. Thereupon, Mr. and Mrs. Kohlruss were granted the privilege of voluntarily departing from the United States within a period extending to August 5, 1954, failure to so depart to result in deportation. Meanwhile, the case of Evelyn Hedy Kohlruss had been ordered held in abeyance pending outcome of that of her parents. The minor alien is the beneficiary of an approved visa petition, filed under section 203 (a) (4), Immigration and Nationality Act and forwarded to the Department of State on February 11, 1954.

The male beneficiary, although born in Rumania, was raised in Vienna, Austria, by his Austrian parents. Each adult beneficiary attained secondary education in Vienna, Austria, Mr. Kohlruss having received a teacher's diploma and Mrs. Kohlruss having graduated from junior commercial college. The couple married in Vienna, Austria, on July 27, 1938. They fled as refugees from Austria in 1939, and resided in Shanghai, China, until arriving in the United States in 1949. Mr. Kohlruss was self-employed as a handbag manufacturer, and later as a salaried social worker, in Shanghai. His business there was confiscated in 1942 by the Japanese occupation forces. In the United States Mr. Kohlruss has been a salaried designer of handbags, with a current income of \$110. Family assets, which are confined to the United States, consist of approximately \$800 in cash and personal effects valued at \$4,000. In addition to supporting his wife and two children, he contributes an equal share with his brother-in-law to the support of Mrs. Kohlruss' parents, who are United States citizens residing with the beneficiaries. Evelyn Hedy Kohlruss is attending public school in Rockville Center, Long Island, N. Y.

Mr. Zelenko, the author of H. R. 3870, appeared before a subcommittee of the Committee on the Judiciary and recommended the enactment of his measure, submitting the following letters and statements in support of his bill:

ROCKVILLE CENTRE, LONG ISLAND, N. Y.

I, Oswald E. Kohlruss, was born on May 26, 1916, at Czernauti, Rumania, although both of my parents are Austrians by birth and citizens of that country. At the time of my birth my father was in the military service of Austria and was in Rumania in connection with that service.

I was educated in Vienna, Austria (5 years grammar and 8 years in teachers training school). I graduated with a degree which entitled me to teach in elementary school. Three months after graduation, that is, July 1938, I married Antonie Menkes, who was born in Vienna, Austria, on December 26, 1916.

Shortly before I graduated, the Hitler regime had advanced to Austria. In January 1939, I obtained a German passport and left for Italy with my wife, unwilling to live under the Hitler regime. I had been arrested and harassed before my flight from Vienna. From Genoa we went directly to Shanghai, China, which was then an international settlement. I registered the first time for immigration to the U. S. A. on May 27, 1938, at Vienna, not able to wait for the turn of my quota number, which is Rumanian. We remained in Shanghai from 1939-49. While in Shanghai, my daughter, Evelyn Hedy, was born. From May 1943 to August 1945, during the Japanese occupation of Shanghai, my wife and I were in a concentration camp. After Shanghai was liberated we applied again for immigration to the U. S. A. under the Rumanian quota. While in Shanghai I worked with various Catholic and Jewish welfare organizations and have letters of recommendation from them.

In 1949, when the Red Communist army neared Shanghai, I applied for and received an Austrian passport from the Austrian consulate in Shanghai and I obtained a visitor visa to Canada. We left Shanghai in February 1949 on the SS. *General Meiggs*, a former troop transport. I received also a transit visa permitting me and my family to visit the U. S. A. on my way to Canada. We landed in San Francisco in March 1949 and came to Rockville Centre, Long Island, N. Y., to visit Mr. and Mrs. Jacob Menkes, my parents-in-law. The parents were then elderly and unable to support themselves. Both we went to work to help support ourselves and my wife's parents, and we remained in New York State ever since. It had not been our intention to stay in the U. S. A., but due to the circumstances in which we found my wife's parents we decided to do so.

The grounds of hardship upon which we ask for consideration are—

(1) The birth of our youngest daughter, Patricia Ann, in New York City on August 14, 1951.

(2) Due to our long displacement from Austria, our lack of any contact with persons there, and the fact that we have no property or means of support in Austria or elsewhere in Europe would make it extremely hard for us to be forced to return.

(3) I am now established as a foreman and designer of handbags and I am employed by Susan Gail Handbags, Inc., of 22 West 30th Street, New York City. I help support my father- and mother-in-law who are naturalized citizens of the United States. I am the sole support of my children, the youngest of whom is a citizen of the United States by birth.

OSWALD E. KOHLRUSS.

VILLAGE OF ROCKVILLE CENTRE, N. Y.,  
January 18, 1956.

HON. HERBERT ZELENKO,  
House of Representatives,  
Washington 25, D. C.

DEAR SIR: My attention has been called to a bill, a copy of which is attached, introduced by you in the 84th Congress, 1st session, H. R. 3870, which bill I understand is to be brought on for hearing in the near future and which involves the granting of relief under the Immigration Act to persons who are now residents of this village, namely Oswald E. Kohlruss, Antonie Kohlruss, and Evelyn Hedy Kohlruss.

I wish to advise that said Oswald E. Kohlruss, Antonie Kohlruss, and their daughter Evelyn Hedy Kohlruss have resided at 16 Norcross Street, Rockville Centre, N. Y., for the past 3 years. Mrs. Kohlruss' father and mother, Jacob and Gisela Menkes, also reside at the Rockville Centre address together with a brother of Mrs. Kohlruss, Albert M. Menkes. Mr. and Mrs. Menkes are of the ages of 78 and 77, respectively, and are in poor health. My investigation shows that they have no means of support except that which is furnished by their son, Albert M. Menkes and by Mr. and Mrs. Kohlruss. My investigation further shows that Mr. and Mrs. Kohlruss also have a daughter, Patricia Ann Kohlruss, who was born in the United States on August 14, 1951, who is also residing with Mr. and Mrs. Kohlruss and that if Mr. and Mrs. Kohlruss are required to leave the United States because of immigration rules or requirements the parents and the brother will no longer be able to maintain the home and it is possible that the parents may become the subjects of local relief agencies for the reason that the brother is unable to maintain the household solely upon his earnings.

Mr. and Mrs. Kohlruss enjoy a good reputation in this community and appear in every way worthy subjects of the relief which the above bill would afford them. Your continued support for this bill is therefore requested.

Very truly yours,

W. HARRY LISTER, Mayor.

ROCKVILLE CENTRE, N. Y.  
January 17, 1956.

HON. HERBERT ZELENKO,  
Member of Congress, House of Representatives,  
Washington, D. C.

DEAR SIR: I take the liberty in presenting to you my honorable discharge papers as proof for my service in the United States Army. I am proud that I had the opportunity to serve this wonderful country during World War II as a United States citizen.

I live with my aged and ailing parents, Jacob and Gisela Menkes, my sister Antonie Kohlruss, my brother-in-law Oswald E. Kohlruss and my two nieces, Evelyn H. and Patricia Ann Kohlruss, together at 16 Norcross Street, Rockville Centre, N. Y.

I am most thankful to you in introducing bill H. R. 3870 for my sister and her family. We all see in a favorable consideration of this bill the only solution to live happily together in these United States.

Since I am single and working all day my parents, 78 and 77 years, respectively, are depending entirely on the care and attention my sister renders to them constantly. A breakup of our family would certainly result in extreme hardship to everyone concerned.

With deepest gratitude, I remain, most respectfully yours,

ALBERT M. MENKES,

Term expires March 30, 1956.

SHELLIE D. DAY,  
Notary Public, State of New York.

JANUARY 18, 1956.

To Whom It May Concern:

Investigation was conducted by the police department in regard to the status of Mr. and Mrs. Oswald E. Kohlruss, and their two children, Evelyn Hedy and Patricia Ann, who reside with Mrs. Kohlruss's father and mother, Jacob and Gisela Menkes, ages 78 and 77, respectively, at 16 Norcross Street, Rockville Centre, and a son of Mr. and Mrs. Jacob and Gisela Menkes, namely, Albert Menkes, age 34, who also resides at 16 Norcross Street, Rockville Centre.



Mr. and Mrs. Jacob Menkes are in poor health, and they have no visible means of support other than that of Mr. Oswald E. Kohlruss and Mr. Albert Menkes. If the Kohlruss family were required to leave the United States because of the emigration rules and requirements, Mr. Albert Menkes would no longer be able to maintain the home or support of his parents, thereby the possibility of subjecting Mr. and Mrs. Jacob Menkes to local relief agencies.

There is no police record and no charges pending against Mr. and Mrs. Oswald E. Kohlruss. In the 3 years they have resided in Rockville Centre, they have enjoyed a good reputation.

THOMAS A. EIBLER,  
Chief of Police.

ST. AGNES RECTORY,  
Rockville Centre, Long Island, N. Y., February 4, 1956.

Hon. HERBERT ZELENGO,  
House of Representatives, Washington, D. C.

DEAR SIR: Mr. Oswald E. Kohlruss, who resides at 16 Norcross Street, Rockville Centre, N. Y., has requested me to write a letter of recommendation for him. He hopes that this character reference, will be of assistance to him, when the case concerning his residence in this country is given consideration.

Mr. Kohlruss has been a member of the parish of Saint Agnes, Rockville Centre, for a period of about 3 years. We have found that he and other members of his family, have been excellent additions to our parish.

His daughter, Evelyn, attends St. Agnes Elementary School. She is an amiable and capable student, and one who will grow to be a fine American lady, if her family is permitted to remain.

Many hardships will be caused if Mr. Kohlruss and his family are requested to leave. For this reason, we trust that the enclosed bill, introduced by you in Congress, will be the cause of granting them permanent residence in the United States, since they are people of excellent character, and potentially fine citizens.

Faithfully yours,

Rt. REV. PETER QUEALY.

*Paul Max Julius Schweitzer—H. R. 5548, by Mr. Zelenko*

The beneficiary is a 39-year-old native of Germany who was admitted to the United States for permanent residence in 1947 on a visa obtained fraudulently by withholding a record of conviction for theft in England in 1942. His parents and a brother are United States citizens.

The pertinent facts in this case are contained in a letter dated June 20, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington 25, D. C., June 20, 1955.

Hon. EMANUEL CELLER,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5548) for the relief of Paul Max Julius Schweitzer, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

It appears that the bill is intended to grant the alien permanent residence in the United States as of the date of its enactment, notwithstanding the fact that he has been found subject to deportation under section 241 (a) (1) of the Immigration and Nationality Act on the ground that he committed a crime involving moral turpitude prior to entry.

Sincerely,

Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE PAUL MAX JULIUS SCHWEITZER, BENEFICIARY OF H. R.  
5548

The beneficiary, Paul Max Julius Schweitzer, was born in Germany on February 24, 1917, and now claims to be stateless. He is single and resides at 20 Dongan Place, New York City. Mr. Schweitzer is a zipper jobber operating under the trade name of Paro International at 220 Fifth Avenue, New York City. He claims an income of \$6,000 a year from that business. In addition to this business, he has \$10,000 in a bank account, stocks and bonds valued at \$14,500, \$7,500 of other business investments, as well as personal property valued at approximately \$5,000.

The beneficiary graduated from high school in his native city. Prior to coming to the United States, he resided in England for 12 years. His parents and brother are United States citizens. He has no close relatives abroad.

The beneficiary arrived in the United States at New York, N. Y. on the steamship *Gripsholm* on May 5, 1947, and was admitted for permanent residence as a quota immigrant. On October 2, 1953, he was served with a warrant of arrest in deportation proceedings issued on the ground that he was excludable at the time of entry because he was convicted of a crime involving moral turpitude prior to entry, to wit: larceny. On August 11, 1954, after a hearing, he was granted voluntary departure with the alternative of deportation if he failed to depart. On February 28, 1955, the Board of Immigration Appeals dismissed his appeal.

Our file indicates that on July 7, 1942, the beneficiary was convicted, in London, England, upon his own confession, of stealing 800 dozen belts from his employer in November 1941. He was placed on 2 years' probation upon the posting of a bond and was required to pay £25 costs.

Mr. Zelenko, the author of H. R. 5548, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of his measure, submitting the following statements in its support:

RE PAUL MAX JULIUS SCHWEITZER

Mr. Paul Max Julius Schweitzer is the subject of deportation proceedings under immigration file No. A16,667,027 N. Y. At the present time all administrative procedures have been exhausted since the Board of Immigration Appeals dismissed the appeal on February 28, 1955.

Schweitzer resides at 20 Dongan Place, Borough of Manhattan, New York, is unmarried, 38 years of age. His parents, Fred J. Schweitzer and Therese Schweitzer, are naturalized citizens of the United States, and reside at 652 West 163d Street, New York City. Schweitzer is a former national of Germany, was born on February 24, 1917, in Frankfurt, Germany. He left Germany in 1935 as a result of Hitler, lived in England from 1936 until 1947 and entered the United States at the port of New York on May 5, 1947. He entered here as a quota immigrant for permanent residence and arrived with proper documents. Shortly after he arrived, he filed his declaration of intention to become a citizen and on June 4, 1952, filed petition No. 2270-609785 at 70 Columbus Avenue, New York City, for naturalization. In the petition he voluntarily disclosed that he had been arrested in England. Based on this disclosure the Immigration Service was able to verify the arrest, and a conviction, and as a result he has been charged by the Department of Justice with being an alien illegally in the United States and subject to deportation. The exact charges brought under section 241 (a) (1) of the Immigration and Nationality Act are as follows:

"That at time of entry he was within one or more of the classes of aliens excluded by the law existing at the time of such entry, to wit: a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude prior to entry into the United States, under section 3 of the act of February 5, 1917, to wit: Larceny".

Schweitzer testified at his deportation hearing to the following:

He lived in Germany with his parents until June 1935, when he left as a result of the persecution of the Jews by Hitler. He settled in England and in 1941 he became employed in London by a Mr. Florsheim who established a business of manufacturing ladies belts. Schweitzer had sold a quantity of belts to a customer who, in turn, had sold them to Woolworths in England. Woolworths had returned them on the ground that they were defective and Schweitzer, then a young man and fearing the consequences of a discovery by his employer, with whom he was not on the best of terms, removed the goods from the factory and

took them to the apartment of a friend. His purpose in so doing was to try to convince his customer or Woolworths that the goods were merchantable. Unfortunately, Schweitzer was unsuccessful in his attempts to have the customer accept the belts. Thereafter his friend in whose custody he had left the belts, entered the British Army and turned over the belts to another person who turned them over intact to the police in London. Schweitzer was then arrested and charged with "larceny as servant". Notwithstanding that Schweitzer denied the theft to his lawyer, and notwithstanding the fact that Schweitzer advised his lawyer that he had filed an application for a visa to enter the United States, and notwithstanding the fact that he told his lawyer that a conviction would jeopardize his application, he was advised by his lawyer to plead guilty on the assurance that he would be "Bound over" and that such an order would not be a conviction and would not affect his visa application. He pleaded guilty and on August 12, 1942, was placed on probation for 2 years, under £5 bond, and assessed £25 costs.

In May 1947 he was admitted to the United States for permanent residence. Thereafter he found employment here and began to participate in sport life here, especially in field hockey at the Metropolitan Hockey and Tennis Club. Ultimately he was invited to join the field hockey team of the United States which was chosen to compete in the last Olympic games. Having been in this country for almost 5 years, he was therefore urged to apply for his second papers as quickly as possible. During the course of his examination at the naturalization office, he voluntarily disclosed the entire incident in London as a result of which deportation proceedings were instituted.

Schweitzer's parents, whom he supports, had become citizens of the United States. Schweitzer opened his own business consisting of contracting and selling zippers, and acquired an interest in another business in Philadelphia, both of which have a value of approximately \$15,000. His annual income is approximately \$8,000 per year.

Schweitzer feels that his present difficulty stems from the erroneous advice which he received from his English attorney. Had he been correctly informed of the consequences of his plea of guilty, he would rather have stood trial because he states that he did not steal from his employer. Not only did he receive tragic advice but his lawyer could have averted the effects of a plea of guilty by having appeared before a magistrate. Through a curious anomaly in the English law, a plea of guilty in a magistrate's court followed by a discharge was not a conviction whereas a plea of guilty to an indictment followed by a discharge did amount to a conviction. In 1948 the law in England was amended to remove this anomaly so that the present law provides that a plea of guilty followed by binding over in any court is not regarded as a conviction. The wrong advice from an attorney and the honesty of Schweitzer have cost him a very high price.

Undoubtedly the existing laws regulating the exclusion, entry, and deportation of aliens, are well designed to protect our country and citizens from undesirable immigrants, but every once in a while there arises a case in the twilight zone. Such a case may have compelling equities but the proper enforcement of the law may have unduly harsh results. Schweitzer's situation seems to present just such a case.

Consider a young man uprooted from his native country trying to earn a livelihood in a new land, fearful of the discovery by his employer that a customer had returned an order, conceals the goods while trying to find some way to have the customer accept them. Notwithstanding the opportunity to sell the goods elsewhere he preserves them intact for a number of months and they are then turned over to the police. He admits his error to his attorney but disclaims any intention of wrongdoing; he advises his lawyer of his pending application for a visa to enter the United States and the adverse effect that a conviction would have upon his application, and notwithstanding all this, his attorney advises Schweitzer to admit guilt with the assurance that Schweitzer would be bound over and that such a disposition by the court would not be a conviction and would not in any way jeopardize the application for a visa. To make certain that Schweitzer has a record of such priceless advice, as well as a receipt for the payment therefor, the attorney confirms this in writing (see copy of attorney's letter hereto attached).

Although not a citizen, Schweitzer was invited to join the United States field hockey team for the last Olympic games, he was asked to apply for his second papers as soon as possible. Notwithstanding his English attorney's advice and notwithstanding his eagerness to compete for his adopted country, he voluntarily disclosed to the examiner the full story about his misfortune in England. He

seems, in effect, to have then signed his own deportation warrant. Surely this required honor and courage on his part when he could have remained silent.

It is too late to go back to England to stand trial, it is too late to go to England to attempt to set aside the conviction, it is too late to invoke the benefit of the change in the English law whereby a plea of guilty to an indictment followed by a discharge is no longer a conviction. Add to this comedy of errors the fact that Schweitzer is the sole support of aged parents who are citizens of the United States and that he has built a substantial business here and that he can only return to the country that forced him to leave, then congressional action is the only thing that remains to prevent a tragedy to Schweitzer and his parents resulting from his deportation.

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IN THE MATTER OF PAUL MAX JULIUS SCHWEITZER

STATE OF NEW YORK,

*County of New York, ss:*

Paul Schweitzer, being duly sworn, deposes and says: I reside at 20 Dongan Place, Borough of Manhattan, city, county, and State of New York. I am the person for whom relief from deportation is proposed in H. R. 5548 introduced into the House of Representatives by Congressman Herbert Zelenko. I make this affidavit for the information of the Subcommittee on Immigration which is now considering the legislation referred to above.

That subsequent to the introduction of the legislation on my behalf my father, Fred Schweitzer, a citizen of the United States, underwent several operations. As a result he has been incapacitated and will continue to be incapacitated for an indefinite period. I therefore have been and am now the sole support of my father and of my mother Tesy Schweitzer and I will continue to be the sole support of my parents.

I am attaching hereto a statement from Dr. Samuel B. Gelmann, of New York City, certifying to the present physical condition of my father and also stating that my father will not be able to engage in gainful employment in the future.

PAUL SCHWEITZER.

Sworn to before me this 17th day of January 1956.

[SEAL]

DORIS MADSEN,

*Notary Public, State of New York.*

Commission expires March 30, 1957.

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NEW YORK, N. Y., *January 18, 1956.*

*To Whom It May Concern:*

This is to state that Mr. Fred Schweitzer is under my professional care.

This patient recently underwent two operations: (1) for gallstones (2) kidney stones.

Because of this and his advanced age, he is totally disabled.

SAMUEL B. GELMANN, M. D.

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*Ulf Krabbe—H. R. 1334, by Mr. Phillips*

The beneficiary is a 56-year-old native and citizen of Norway who was admitted to the United States for permanent residence in 1924, and was last admitted as a visitor for medical treatment for tuberculosis in 1950. His wife is a lawfully resident alien and they have two United States citizen children.

The pertinent facts in this case are contained in a letter, dated June 28, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:



UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington 25, D. C., June 28, 1955.

HON. EMANUEL CELLER

*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 1334) for the relief of Ulf Krabbe, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service file relating to the beneficiary by the Los Angeles Calif., office of this Service, which has custody of that file.

The bill would grant the beneficiary permanent residence in the United States upon the payment of the required visa fee. It would also direct that one number be deducted from the appropriate immigration quota.

The beneficiary is chargeable to the quota of Norway.

Sincerely,

\_\_\_\_\_, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION  
SERVICE FILES RE ULF TOGER KRABBE, BENEFICIARY OF H. R. 1334

The beneficiary, Ulf Krabbe, also known as Ulf Toger Krabbe, a native and citizen of Norway, was born on September 9, 1899. He is married to Margit Ostby, a lawful resident alien. They have two children, John and Rita, born at San Bernardino, Calif. on April 10, 1931, and March 27, 1927, respectively. He resides with his wife and children at 112 El Segundo, Palm Springs, Calif.

Mr. Krabbe has testified that he acquired an education in Norway equivalent to our present high school level. He claims to be an inventor by profession. He is not employed and is supported by his wife and children. Mrs. Krabbe is employed as a housekeeper by the Casitas de Monte Hotel, Palm Springs, Calif., at a salary of \$175 per month. John Krabbe is employed as a maintenance man at the Desert Hospital, Palm Springs, Calif. He receives a salary of \$260 per month. The family's assets consist of two automobiles valued at \$470 and household furnishings valued at \$6,000. Mr. Krabbe has testified that he has a savings account of several thousand krona in Norway which has been frozen by the Norwegian Government. Other than his wife and children, he has no close relatives in the United States.

The beneficiary first entered the United States at San Pedro, Calif., in 1924, and was admitted for permanent residence. In 1932, he abandoned his United States residence and returned to Norway with his wife and children. Mr. and Mrs. Krabbe next applied for admission into the United States at San Ysidro, Calif., on April 27, 1949. Mrs. Krabbe was admitted for permanent residence. Mr. Krabbe was excluded as a person afflicted with tuberculosis and schizophrenia. Mr. Krabbe was subsequently admitted to the United States at San Ysidro, Calif., on August 15, 1950, as a temporary visitor for the purpose of receiving medical treatment. He received extensions of his visitor's permit to March 23, 1953. He did not depart from the United States. Deportation proceedings were commenced in his case on March 30, 1955. He has been found deportable, and was granted the privilege of departing voluntarily from the United States. He also has been granted the privilege of preexamination.

UNITED STATES DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington 25, D. C., March 5, 1956.

HON. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,  
House of Representatives, Washington 25, D. C.*

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on June 28, 1955, relative to Ulf Krabbe, beneficiary of private bill H. R. 1334, 84th Congress.

The following additional information has been received concerning this beneficiary:

The subject beneficiary applied for preexamination in the United States on December 29, 1955. He was examined as to his admissibility to the United States and found to be excludable from the United States on the ground that he is an

alien who has had one or more attacks of insanity. Accordingly, his application for preexamination was denied on February 10, 1956.

Sincerely,

\_\_\_\_\_, *Commissioner.*

Mr. Phillips, the author of H. R. 1334, appeared before a subcommittee of the Committee on the Judiciary and recommended the favorable consideration of his measure, submitting the following letters and statements in its support:

LOS ANGELES 17, CALIF., *March 5, 1956.*

Re H. R. 1334, Ulf Toger Krabbe

Hon. JOHN PHILLIPS,

*House of Representatives, 29th District of California,  
House Office Building, Washington, D. C.*

DEAR MR. PHILLIPS: We enclose original and two copies of a communication dated February 29, 1956 from Dr. William Kinney of Riverside, Calif. This enclosure, which has been furnished in response to your telegram of last week, is directed to Francis E. Walter, chairman of the Subcommittee on Immigration and Nationality of the House Judiciary Committee.

Will you kindly arrange for the filing of this letter with the committee. If there is anything further which we can supply on behalf of Mr. Krabbe, please so advise.

On behalf of Mr. Krabbe and this office we wish to thank you for your efforts in support of the subject bill.

Very truly yours,

LEWIS T. GARDINER,  
*of Meserve, Mumper & Hughes.*

RIVERSIDE, CALIF., *February 29, 1956.*

Hon. FRANCIS E. WALTER,

*Chairman, Subcommittee on Immigration and Nationality,  
Judiciary Committee, House of Representatives,  
Washington, D. C.*

DEAR SIR: Mr. Ulf T. Krabbe has been under my care since February 26, 1951, because of pulmonary tuberculosis. He continues to receive pneumothorax refills in my office every 4 weeks and his general condition has remained good. The blood sedimentation rate determinations have been normal. No acidfast bacilli have been found in his sputum, except for a few found on February 4, 1954. His disease is now definitely arrested.

All of my observations of this man indicate he is a person of good moral character and never at any time have I observed in his actions or conversation any evidence of mental aberration.

The climate of Palm Springs seems to agree with Mr. Krabbe and it would be beneficial if he could be allowed to stay there.

It would be a definite hardship for him and his family to be separated.

Respectfully yours,

WILLIAM KINNEY, M. D.

KILBURN PACKING CORP.,  
*Dinuba, Calif., July 5, 1953.*

Re Ulf Krabbe,  
Justice Department,  
File No. V-1445443 EOS.

*To Whom It May Concern:*

This is to certify that during the years 1924 and 1927 Mr. Ulf Krabbe worked for me on the Hoover farm, Wasco, Calif. I found Mr. Krabbe a reliable and trustworthy worker, and a man of good habits.

I do not know anything of his activities since he left my employment but I am sure that he will be able to give a good account of himself. I do feel that he should be given every consideration in his efforts to stay in this country. Since

his family is eligible to stay here, and the man has no marks against him, I feel that it would be unjust to deport him,

Very truly yours,

H. M. KILBURN.

HON. LOUIS E. GRAHAM,  
Chairman, Subcommittee No. 1,  
House Committee on Judiciary  
House Office Building, Washington 25, D. C.

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H. R. 4574, CASE HISTORY OF ULF KRABBE

JULY 6, 1953.

COMMITTEE ON THE JUDICIARY,  
House of Representatives.

This case history has been prepared on behalf of and is being submitted by Ulf Krabbe, a temporary resident of Riverside County, Calif. It has been prepared in connection with H. R. 4574, a bill submitted on April 14, 1953, by the Honorable John Phillips, Representative for the 29th District of the State of California. This bill which was referred to the Committee on the Judiciary, reads as follows:

"A BILL for the relief of Ulf Krabbe

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Ulf Krabbe shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota, for the first year that such quota is available."

The undersigned was born in Oslo, Norway, on September 10, 1889, the son of Sverre Hjalmar Krabbe. My elementary and high school education and some business college training was completed in Oslo in 1918 following which I was employed in a civilian capacity by the Norwegian Government for a brief time and subsequently completed 1 year's military service in the infantry of the Norwegian Army as an enlisted man (machine-gunner).

In 1920 I went to South America where I was employed in the sheep-raising business by Sociedad Explotadora de Tierra del Fuego for 3 years and 4 months. In 1923 I went to Peru and obtained an American visa from the consulate in Lima. On January 6, 1924, I entered the United States at San Pedro (Los Angeles), Calif. No quota number was then required by virtue of 3 years' residence in South America.

Upon arrival in this country I was employed at Wasco (near Bakersfield), Kern County, Calif., on the Hoover farm owned by the Poso Land and Products Co.; Mr. Harvey Kilbourne was my supervisor. The work consisted of manual labor in the agricultural industry.

I then went to work for McLeod Vale, Ontario, Oreg., to whom I had recommendations from a friend in Sociedad Explotadora (1 season), after which I worked for shorter periods on different ranches.

In 1925 I was with the merchant marine for a short time.

In 1926 I married Margit Skaalerud in Oslo, Norway. We returned to this country about December 1926 and settled down in San Bernardino County, Calif., where I worked for a George Voss. During these 5 years, I also raised purebred dairy stock, on the McIntyre Ranch, San Bernardino County.

Our daughter Rita Krabbe was born in San Bernardino County in 1927, and our son John U. Krabbe was born in San Bernardino County on April 10, 1931. In 1932 we returned to Norway and remained there until 1946. Except for the German occupation period during the war when we lived at Mesnali, Norway, in the mountains, I was employed, prior to that time—from 1934 to 1940—among others, by Sverre Krabbe, Ltd., manufacturers' representative headed by my father Sverre Krabbe. I acted as technical adviser to the firm which represented various American aircraft concerns including Piteairn Autogiro, Pennsylvania; Allan Lockheed, California; Vultee (now Consolidated), and Seversky Aircraft (now Republic Aircraft Corp., New York).

My daughter returned to this country in October 1946 and I returned, as a visitor, in November 1946. My wife and son returned in March, or April, 1947. All of us entered through New York City and returned to San Bernardino, River-

side County, Calif., where we now reside. In 1947, the family for a few months looked after the property of Paul Runge at Whitewater, Riverside County, close to Palm Springs. My daughter also looked after this property the next season.

My visitor's pass having expired in 1947, it was necessary to leave this country whereupon I went to Tiajuana (lower California), Mexico.

For a period of 2 years while in Mexico we were beset by numerous difficulties and obstacles to our admission to this country. Chest X-rays required as a condition to admission showed lung spots requiring treatment for tuberculosis. On April 27, 1949, my wife was admitted under a first preference quota by virtue of the status of our children as citizens by birth. I stayed at a health camp at Tecate, Mexico, and at various places in that area.

On September 14, 1950, I was admitted upon a temporary basis at San Ysidro, Calif., on the condition that I go to a sanatorium for medical treatment. A bond of \$1,000 was posted which was later reduced to \$500; this bond is still in effect. Following 6 months treatment, I received further attention from Dr. William M. Kinney, M. D., 3760 12th Street, Riverside, Calif. He subsequently ruled that I am not a sanitarium case and has stated that I do not require further treatment. I am advised that Dr. Kinney has submitted biannual medical reports to the United States Government.

Successive extensions of my temporary permit having now expired, it will again be necessary for me to leave this country and my wife and children unless afforded relief of the type provided by H. R. 4574.

My children have provided the necessary undertaking for financial support required for my admission. I believe, however, that in view of the present excellence of my health and by virtue of previous experience in agricultural, cattle and sheep-raising pursuits, that I can readily find employment sufficient for the adequate support of my wife and myself.

Due consideration of the undersigned and of this petition will be deeply appreciated. I sincerely feel that if allowed to reside permanently in this country, I will be able to complete the requirements for United States citizenship and become an asset to this country.

ULF TOGER KRABBE.

STATE OF CALIFORNIA,  
*County of Riverside, ss:*

On the 7th day of July 1953, before me, Mary Dracsko, a notary public in and for said county, personally appeared Ulf Togter Krabbe, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

Witness my hand and official seal.

[SEAL]

MARY DRACSKO,

*Notary Public in and for said County and State.*

My commission expires December 12, 1954.

Upon consideration of all the facts in each case included in the joint resolution, the committee is of the opinion that House Joint Resolution 565, as amended, should be enacted and accordingly recommends that the resolution do pass.

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